

MICHELE BECKWITH
Acting United States Attorney
STEPHANIE M. STOKMAN
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

DEREK SMITH,

Defendant.

CASE NO. 1:20-CR-00238-JLT

GOVERNMENT'S SENTENCING
MEMORANDUM

I. INTRODUCTION

Defendant Derek Smith is scheduled for sentencing on June 2, 2025, following his guilty plea to Conspiracy to Participate in a Racketeering Enterprise (Count 1) and Conspiracy to Possess and Possession with Intent to Distribute Methamphetamine and Heroin (Count 9). In the Presentence Investigation Report (PSR), the U.S. Probation Office recommends a 240-month term of imprisonment on Count 1 with a concurrent 240-month term of imprisonment on Count 9, 5 years supervised release, a \$100 special assessment, and no fine.

The government agrees with the PSR's total offense level calculation of 33 and criminal history category of VI. Pursuant to the plea agreement between the parties, the government recommends a term of 240 months incarceration.

1 II. STATEMENT OF FACTS

2 A. Defendant's Conduct

3 As discussed in the PSR and plea agreement, defendant's conduct is as follows.

4 Between September 1, 2020 and November 19, 2020, Derek Smith participated in the
5 transportation and distribution of drugs, for Aryan Brotherhood (AB) members and associates, including
6 AB members and associates who were incarcerated.

7 As part of this criminal agreement, Smith associated with the AB, a criminal enterprise regularly
8 engaging in a pattern of racketeering activity including murder, assault, conspiracy to commit murder,
9 burglary, extortion, and drug trafficking. Smith agreed to participate in the conduct of the affairs of the
10 AB by conspiring to acquire and distribute methamphetamine and heroin on behalf of the AB and
11 delivering the proceeds from this drug trafficking to the AB and its members, conspiring to commit and
12 committing violent acts on behalf of the AB and to gain status with the AB, and conspiring to commit
13 and committing theft related offenses on behalf of the AB.

14 Beginning no later than on or about May 2020 and continuing to June 2020, Smith agreed with
15 others to arrange and commit a robbery of a residence in Alabama in order to obtain money, firearms,
16 and/or other items of value.

17 Beginning no later than on or about September 1, 2020 and September 20, 2020, Smith agreed
18 with others to arrange and commit an arson of a vehicle of an individual who owed debts to an AB
19 associate.

20 Beginning no later than on or about September 1, 2020 and continuing to November 19, 2020,
21 Smith agreed with others to distribute methamphetamine and heroin to individuals in various parts of
22 California, including in the Eastern District of California. Between September 2020 and November
23 2020, Smith communicated with AB member or AB associate co-conspirators and committed drug
24 trafficking crimes to benefit and enrich the co-conspirators and other AB members.

25 Between September 1, 2020 and November 19, 2020, Smith agreed with co-conspirators and
26 other associates to distribute methamphetamine and heroin in Fresno County, to Salinas Valley State
27 Prison. As part of that drug trafficking agreement, Smith admits that he committed the following
28 criminal acts:

- (1) On September 22, 2020, Smith and another person discussed plans to wrap heroin and methamphetamine and package it with cellular telephones in order to throw it over the fence of Salinas Valley State Prison (SVSP).
- (2) On September 23, 2020, Smith transported one pound of methamphetamine and 114 grams of heroin from Fresno, California, for the purpose of distribution into Salinas Valley State Prison.
- (3) On September 23, 2020, Smith attempted to find the prison fence in order to throw the heroin and methamphetamine into SVSP. While SMITH was searching for the fence line, SMITH carried a firearm. SMITH could not find the fence to SVSP in time, and left the area of the prison.
- (4) On September 24, 2020, Smith successfully delivered a package to inmates at SVSP, but the package only contained cellular telephones.
- (5) As Smith and another person returned to Fresno County, a traffic stop was conducted on the vehicle in which they were passengers. Approximately one pound of methamphetamine and 114 grams of heroin were located within the vehicle. Also located within the vehicle was a Glock 26 9mm handgun loaded with a 17 round magazine.

III. ANALYSIS OF THE SECTION 3553(A) FACTORS

In sentencing a defendant, 18 U.S.C. § 3553(a)(1) requires the Court to consider the nature and circumstances of the offense and the history and characteristics of defendant. 18 U.S.C. § 3553(a)(2) requires the Court to consider the need for the sentence to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment for the offense, to afford adequate deterrence to criminal conduct, and to protect the public from Defendant's further crimes.

The government believes that the weight of the aforementioned factors has been reflected in the recommendation of 240 months in prison, where defendant's guidelines range is 235 months to life. The government recommends a sentence of 240 months' imprisonment.

Dated: May 27, 2025

MICHELE BECKWITH
Acting United States Attorney

By: /s/ STEPHANIE M. STOKMAN
STEPHANIE M. STOKMAN
Assistant United States Attorney